



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/428,228	10/27/1999	FIROOZ GHASSABIAN	676-8CIP	4391

7590

11/05/2002

JOSEPH SOFER ESQ
SOFER & HAROUN LLP
342 MADISON AVENUE
SUITE 1921
NEW YORK, NY 10173

EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 11/05/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

M

Office Action Summary

Application No.
09/428,228

Applicant(s)
Ghassabian Firooz

Examiner
Joy K. Contee

Art Unit
2681



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 27, 1999
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-43 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-43 is/are rejected.
- 7) ☒ Claim(s) 27, 28, 31, and 38 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

Art Unit: 2681

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 27,28,30,31 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 27(28) and 30(31 and 38) recite the limitation "cover" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Art Unit: 2681

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 26,29,32,40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Alameh et al. ("Alameh"), U.S. Patent No. 6,212,414.

Regarding claim 26, Alameh discloses a wrist-mounted communication device for attaching to a wearer's wrist (col. 2, lines 31-38), the device comprising an antenna system having at least a first section coupled to said device and configured to transmit and receive communication signals (col. 2, lines 35-38 and see Fig. 1), said antenna having a biasing mechanism wherein said antenna is held in horizontal plane position of said wrist mounted communication device when said device is not in use by a user (see Fig. 12), said biasing mechanism, when engaged (see Fig. 13), automatically releases said antenna to a desired position away from said horizontal plane when said wrist communication device is in use by said user (col. 7, lines 1-12).

Regarding claim 29, Alameh discloses the device according to claim 26, wherein said wrist-mounted communication device further comprises a watch unit (col. 4, lines 60-63).

Art Unit: 2681

Regarding claim 32, Alameh discloses the device according to claim 26, wherein said antenna is expandable in its open position (Fig. 13, col. 7, lines 4-6).

Regarding claim 40, Alameh discloses the device according to claim 26, wherein said wrist-mounted communication device further comprises a keypad unit (col. 2, lines 46-51).

Regarding claim 41, Alameh discloses the device according to claim 26, wherein said wrist-mounted communication device further comprises a display unit (col. 2, lines 46-51).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alameh, in view of Blonder et al. ("Blonder"), U.S. Patent No. 5,564,082.

Regarding claim 33, Alameh discloses the device according to claim 32. Alameh does not disclose an expansion antenna configured to rotate about said first antenna.

In a similar field of endeavor Blonder discloses an expansion antenna configured to rotate about said first antenna (col. 4, lines 27-36).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Blonder to include an expansion antenna for the purpose of providing

Art Unit: 2681

polarization diversity, thus improving transmission and reception, as taught in Blonder (col. 4, lines 38-44).

Regarding claim 34, Alameh discloses the device according to claim 26. Alameh does not disclose the device wherein at least a second antenna is configured to operate independently from said first antenna.

Blonder further discloses the device wherein at least a second antenna is configured to operate independently from said first antenna (col. 4, lines 27-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Alameh to include orthogonally independent signals for the antenna for the purpose of providing polarization diversity, thus improving transmission and reception, as taught in Blonder (col. 4, lines 38-44).

Regarding claim 35, the combination of Alameh and Blonder disclose the limitations of claim 34. Blonder further discloses the device wherein said first and second antenna operate as a diversity antenna (col. 4, lines 38-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Alameh to include orthogonally independent signals for the antenna for the purpose of providing a non-sensitive to orientation arrangement to ensure signal transmission.

Regarding claim 36, the combination of Alameh and Blonder disclose the limitations of claim 34. Blonder further discloses the device wherein one end of said first antenna is coupled to

Art Unit: 2681

said communication device and the other end of said first antenna is rotatably coupled to one end of said second antenna (col. 4, lines 27-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Alameh to include orthogonally independent signals for the antenna for the purpose of providing a non-sensitive to orientation arrangement to ensure signal transmission.

Regarding claim 37, the combination of the combination of Alameh and Blonder disclose the limitations of claim 34. Blonder further discloses the device wherein one end of said first and second antenna is rotatably coupled to said communication device such that said first and second antennas are adjustable to form an angle in relation to each other (col. 4, lines 38-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Alameh to include orthogonally independent signals for the antenna for the purpose of providing a non-sensitive to orientation arrangement to ensure signal transmission.

9. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alameh, in view of Fernandez Martinez (hereafter "Martinez"), U.S. Patent No. 6,078,803.

Regarding claim 42, Alameh discloses the device according to claims 41 or 29. Alameh fails to explicitly disclose wherein said keypad unit and said watch are in opposite relationship on a user's wrist.

In a similar field of endeavor, Martinez discloses wherein said keypad unit and said watch are in opposite relationship on a user's wrist (col. 2, lines 2, lines 51-60 and Fig. 1).

Art Unit: 2681

Regarding claim 43, Martinez further discloses the device according to claims 41 or 29, wherein said display unit and said watch unit are inherently opposite relationships on a user's wrist (col. 2, lines 2, lines 51-60 and Fig. 1).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Alameh to include a keypad and/or display unit in opposite relationship on a user's wrist to the watch component for the purpose of allowing the user to access or view the watch unit and keypad and/or display unit at the same time.

10. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alameh, in view of Firooz, U.S. Patent No. 6,035,035.

Regarding claim 30, in light of the rejection under 35 USC 112, second paragraph, Alameh disclose the limitations of claim 29. Alameh fails to explicitly disclose wherein while attached to said wrist-mounted communication device, said cover and said watch unit are in opposite relationship on a user's wrist.

In a similar field of endeavor, Firooz discloses wherein while attached to said wrist-mounted communication device, said cover and said watch unit are in opposite relationship on a user's wrist (col. 3, lines 48-55 and col. 5, lines 44-57).

Art Unit: 2681

Allowable Subject Matter

11. Claims 27,28,31 and 38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to explicitly disclose the wrist mounted telephone device wherein said antenna is covered by a removable cover, wherein in closed position said cover holds said antenna in horizontal position and wherein when said cover is removed, said biasing mechanism releases said antenna to said desired position.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2681

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is (703) 308-0149.

The examiner's normal working hours are between 5:30 a.m. and 2:00 p.m., Monday through Friday. If attempts to reach the examiner prove unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (703)305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

**Hand-delivered responses should be brought to
Crystal Park II**

Application/Control Number: 09/428,228

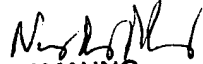
Page 10

Art Unit: 2681

Sixth Floor (Receptionist)
2121 Crystal Drive
Arlington, VA


Joy K. Contee

November 1, 2002


NAY MAUNG
PRIMARY EXAMINER